

MEMORANDUM FOR SEE DISTRIBUTION

FROM: ANG/DP  
1411 Jefferson Davis Highway  
Arlington, VA 22202-3231

2 Feb 01

SUBJECT: Fiscal Year 01 Aviator Continuation Pay for Air National Guard Active Guard/Reserve Pilots

Under authority of the National Defense Authorization Act, this memorandum announces implementation of the FY01 Air National Guard Aviator Continuation Pay (ACP) Program for Air National Guard (ANG) pilots serving in either Title 32 Active Guard/Reserve or Title 10 Statutory tour programs. This program applies only to critical aviation specialties designated by the appropriate service secretary. For FY01, pilots are the only aviation specialty designated critical.

This memorandum serves as the authority to offer ACP agreements in FY01 to those pilots meeting the attached eligibility criteria. This authority to initiate ACP service agreements is continuous until amended, or until provided in an instruction.

Adjutants General and ANG commanders retain their current authority to manage the pilot force. Entitlement to ACP does not guarantee extension or renewal of Title 32 Active Guard/Reserve or Title 10 Statutory tours.

ANG/DP is the staff agency responsible for implementation of this policy. You may contact Maj De Jong, DPFM with your questions at DSN 327-0795 or visit our web page for up to date information at <http://airguard.ang.af.mil/dp> from any dot mil (.mil) site.

//SIGNED//

MARION J. MARTIN  
Colonel, USAF  
Chief, Personnel and Training

Attachment  
ANG FY 01 ACP Implementation Guidelines

DISTRIBUTION

Each AG  
Each ESSO  
Each MPF  
Each FM  
Each Wing Commander  
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***Air National Guard  
Fiscal Year 2001 Aviator Continuation Pay (ACP)  
Implementation Guidelines***

**RESPONSIBILITIES**

**1.1 NGB/CF.** Proponent for the ACP program delegated by the Secretary of the Air Force. Approval/Disapproval authority for Statutory tour aviators eligible for this program.

**1.2 ANG/DP.** ANG/DP has the overall responsibility for implementing the ACP program.

1.2.1 Distribute guidance concerning eligibility and ACP information to states.

1.2.2 Coordinate and monitor program implementation and actions.

1.2.3 Maintain program source documents for complete program history.

1.2.4 Provide ANG/FM with the projected number of participants and required dollars on a quarterly basis.

**1.3 ANG State Headquarters.**

1.3.1 TAGs retain their current authority to manage the pilot force. Entitlement to ACP does not guarantee extension or renewal of AGR orders.

1.3.2 Insure fair and equitable application of the policies for ACP.

1.3.3 Monitor state program implementation.

1.3.4 Approval/disapproval authority for ACP agreements for wing commanders or equivalent.

\*1.3.5 Publish AGR orders.

1.3.6 Process reconsideration actions to the Adjutant General for a decision.

1.3.7 Forward quarterly reports from each MPF to ANG/DP.

**1.4 Wing Commander (or Equivalent) Responsibilities.**

1.4.1 Commanders retain their current authority to manage the pilot force. Entitlement to ACP does not guarantee extension or renewal of AGR tours.

1.4.2 Approval/disapproval authority for ACP agreement requests below wing commander or equivalent.

1.4.3 Make certain that an approval or disapproval is in the best interest of the ANG.

1.4.4 Designate an ACP Coordinator within the Military Personnel Flight.

\*1.4.5 Counsel each eligible aviator on the program's details, including that acceptance of the aviator continuation pay obligates the member to serve on active duty for the full period stated in the agreement, and that the individual will not be allowed to pursue other employment that will conflict with their commitment until their contract is fulfilled.

**1.5 ANG/OM.** The Office of Organizational Management will designate an ACP Coordinator for Statutory tour members.

1.5.1 NGB/CF retains their current authority to manage the pilot force.

Entitlement to ACP does not guarantee extension or renewal of a Title 10 Statutory tour.

## **1.6 The ACP Coordinator.**

1.6.1 Develop and maintain eligibility rosters (see attachment 3).

1.6.2 Insure each eligible aviator reviews this memorandum before counseling.

\*1.6.3 Counsel each eligible aviator on the program's details, including: pay amounts, the new AGR/Statutory tour service commitment associated with accepting ACP, and the ACP effective date. (Ensure each individual understands that acceptance of the aviator continuation pay obligates the member to serve on active duty for the full period stated in the agreement).

1.6.4 Recommend approval or disapproval to the approving authority.

1.6.4.1 Notify the aviator of the approval or disapproval.

1.6.4.2 Complete the formal agreement for those approved.

1.6.4.3 For disapproved applications, inform the aviator that he/she may submit a request for reconsideration (see disapproval procedures in para 2.4).

1.6.4.3.1 For AGR members, submit requests for reconsideration through the wing commander to The Adjutant General for a final decision.

1.6.4.3.2 For Statutory tour members, submit requests for reconsideration to NGB/CF for a final decision.

1.6.5 Forward completed original ACP agreements to the unit comptroller for payment.

1.6.6 Review records of ACP recipients prior to future payments to ensure continued eligibility.

1.6.8 Forward a quarterly report (Atch 3) through the ANG State Headquarters to ANG/DP. ANG/OM forwards directly to ANG/DP.

## **1.7 Individual Aviator.**

1.7.1 NGB/CF (for statutory tour), The Adjutant General and commanders retain the authority to manage the pilot force. Your entitlement to request ACP does not guarantee approval.

1.7.2 Review these instructions before scheduling counseling with your ACP coordinator.

1.7.2.1 If you are incorrectly identified for ACP, notify your ACP coordinator and have them correct the error.

1.7.2.2 If you believe you are eligible for ACP but have not been identified, notify your ACP coordinator in writing.

1.7.3 Notify your ACP coordinator when you decide to accept or decline ACP.

**NOTE:** If you accept after your eligibility date, the date you request ACP is the effective date.

1.7.4 To accept ACP:

1.7.4.1 Sign and date the completed ACP agreement (Atch 2) after counseling from the ACP coordinator and in his/her presence.

1.7.4.2 Keep a copy of the signed agreement for your records.

\*1.7.5 If approved, and if your current AGR/Statutory tour orders have a termination date earlier than the new service commitment established by this agreement, you must request to renew your AGR/Statutory tour orders to fulfill your ACP agreement service commitment. Follow local procedures for tour extension, if appropriate.

1.7.6 If your ACP application is disapproved, you may request reconsideration within 10 duty days after you receive the ACP disapproval notification.

1.7.6.1 For AGR members, the Adjutant General will make the final decision on any request for reconsideration.

1.7.6.2 For Statutory tour members, NGB/CF will make the final decision on any request for reconsideration.

## **1.8 Financial Management Office.**

1.8.1 The ANG financial management office servicing the AGR aviator will process payment according to instructions from ANG/FM.

1.8.2 ANG/OMH will forward ACP eligibles to DFAS for initial and subsequent payments.

## PROGRAM ELEMENTS

**2.1 Eligibility.** ANG/DP publishes eligibility criteria. Each pilot must:

2.1.1 Be entitled to aviation career incentive pay (ACIP) under Title 37 U.S.C. Section 301a.

\*2.1.2 Be in a grade below brigadier general and assigned to a full time AGR UMD position.

2.1.3 Qualify for operational flying duty.

2.1.4 Have no more than 25 years of total aviation service.

2.1.5 Have completed the service commitment for Undergraduate Pilot Training (UPT), Specialized Undergraduate Pilot Training (SUPT), Fixed Wing Qualification, Undergraduate Pilot Training-Helicopter (UPT-H), or Euro-North Atlantic Treaty Organization Joint Jet Pilot Training (ENJJPT). **NOTE:** No other service commitment affects ACP eligibility.

\*2.1.6 Serve in a critical aviation specialty designated annually by the Secretary of the Air Force (SECAF) and approved by the Secretary of Defense.

2.1.7 Meet any additional eligibility criteria in the current year's implementation plan as may be announced by ANG/DP.

2.1.8 See the definition of eligibility and effective dates in attachment 1, glossary.

**2.2 ACP Service Commitment.** ANG/OM (for Statutory tour officers) or the Military Personnel Flight (MPF) insure ANG aviators approved for ACP incur a service commitment commensurate with the years of ACP covered by the ACP agreement. ACP service commitments can not be waived without the specific written authority of ANG/DP, unless the aviator is removed from the AGR/Statutory tour program involuntarily.

\*2.2.1 When an aviator's ACP is suspended or terminated, the aviator's service commitment will not be automatically shortened or relieved. An aviator whose ACP eligibility is suspended or terminated may request a change to the ACP service commitment in writing through their chain of command. The Adjutant General is the authority for AGRs and NGB/CF for Statutory tour officers.

2.2.2 Commitment incurred from ACP does not guarantee that an aviator will remain in AGR/Statutory tour status if involuntarily separation is appropriate IAW AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, or ANGI 36-101, *The Active Guard/Reserve Program*.

\*2.2.3 Aviators transferring from AGR to Statutory tour or vice versa will be allowed to fulfill their remaining ACP service commitment in the new position with the concurrence of the gaining organization (The Adjutant General or NGB/CF).

**2.3. Payment Schedules.** Table 2.1. shows aviator ACP payment rates:

**Table 2.1. Annual ACP Payment Rates ( Note 1).**

<b>R U L E</b>	Aviator with the following aviation service:	Is eligible for an agreement period of:	The total ACP payment amount is paid in annual installments (before tax), pro-rated if necessary, of:
<b>1</b>	Less than 17 YAS (Years Aviation Service)	3 years, 5 years, to 20 YAS or to 25 YAS	3 yr = \$15,000 5 yr = \$25,000 To 20 YAS = \$25,000 To 25 YAS = \$25,000 (Note 2)
<b>2</b>	More than 17 YAS but less than 20 YAS	3 years, 5 years or to 25 YAS	3 yr = \$15,000 5 yr = \$25,000 to 25 YAS = \$25,000 (Note 2)
<b>3</b>	More than 20 YAS but less than 22 YAS	3 years or to 25 YAS	3 yr = \$15,000 To 25 YAS = \$25,000 (Note 2)
<b>4</b>	More than 22 YAS	To 25 YAS	\$15,000 (Note 3)
<b>5</b>	Colonel or Colonel Select (Note 4)	5 years or to 25 YAS	5 yr = \$25,000 To 25 YAS = \$15,000/\$25,000 (Note 3)

**NOTES:**

- \*1. Payments are subject to withholding of applicable federal and state taxes.
- \*2. A three-year agreement is the minimum period under this rule. Agreements can be for longer than five years.
- 3. Agreements of 3 years or less are for \$15,000 per year. The minimum agreement period under this rule is 12 months. Aviators who have less than 12 months prior to reaching 25 years aviation service are not eligible for ACP.
- 4. A colonel select is defined as a person who has been recommended by the President to the Senate for advancement to colonel.

## **2.4 Disapproving ACP Applications or Future Payments.**

2.4.1 The ACP coordinator will recommend disapproval for aviators whom:

2.4.1.1 Are awaiting an operational flying disqualification resulting from a flying evaluation board.

2.4.1.2 Are awaiting involuntary separation under AFI 36-3209 or ANGI 36-101.

2.4.1.3 Are awaiting or undergoing investigation into military or civil offenses.

2.4.1.4 Have a documented record of substandard duty performance or misconduct.

2.4.1.5 Have a documented record of aviator skills and officer performance that makes them ineffective for rated duty.

2.4.2 If any of the above-listed conditions are later found unjustified, the aviator may reapply or be reinstated for ACP.

2.4.3 Processing a disapproval.

2.4.3.1 The ACP coordinator will write a memorandum outlining the reason or reasons in paragraph 2.4.1 above. Attach any documentation that substantiates the recommendation for disapproval (FEB, discharge action, etc.).

2.4.3.2 Forward the recommendation and attachments to the approving authority for a decision.

2.4.3.3 Upon disapproval by the approving authority, the ACP coordinator will have the aviator sign an acknowledgment of receipt of the disapproval.

2.4.3.4 The ACP coordinator will counsel the aviator that they may submit a request for reconsideration of the disapproval within 10 duty days.

2.4.3.5 Upon receipt of a request for reconsideration the ACP coordinator will forward the request and disapproval package through the wing commander (or equivalent) to the Adjutant General for a final decision. Statutory tour requests for reconsideration will be forwarded to NGB/CF for a final decision.

2.4.4 Upon final determination, inform the aviator of the decision in writing.

Process approved requests for reconsideration as an approval for ACP in accordance with paragraph 1.6.4.2.

## **2.5 Terminating, Suspending or Recouping ACP.**

2.5.1 The ACP coordinator will notify the servicing ANG comptroller in writing to terminate further ACP payments when an aviator:

\*2.5.1.1 Is dismissed or discharged for cause; or disqualified for aviation service for cause according to AFI 11-402, *Aviation and Parachutist Service, Aeronautical Ratings, and Badges*. Prior payment is recalculated using the daily prorated method and excess recouped. No future payments are authorized.

\*2.5.1.2 Applies and is approved by ANG/DP for voluntary retirement or separation before completing the ACP service commitment. Recoupment will be determined by ANG/DP when approving waivers. No future payments are authorized.

2.5.1.3 Is involuntarily separated (not initiated by the member) due to medical grounding, disability separation or retirement; twice non-selected for promotion; or



separation due to selective retention under ANGI 36-2606. Prior payment is not recouped. No future payments are authorized.

2.5.1.4 Is promoted to brigadier general. Prior payment is not recouped. No future payments are authorized.

2.5.1.5 Dies within the ACP service commitment time period. Prior payment is not recouped. If the death is determined to be in the line of duty, a lump sum in the total amount of payments remaining unpaid under the agreement at the time of death will be included in the final settlement of the officer's military pay account.

2.5.2 Suspend ACP payments when an aviator under an ACP service agreement:

2.5.2.1 Is suspended from aviation service according to AFI 11-402.

2.5.2.2 Is medically disqualified for aviation service.

2.5.2.3 Loses entitlement to aviation career incentive pay.

## **Attachment 1 - GLOSSARY**

### ***Terms***

**ACP Agreement** – The aviator's application for ACP. After the approval authority signs it, it becomes a legal contract. See attachment 2.

**ACP Approval Authority** – The Adjutant General for wing commanders or equivalent, wing commander (or equivalent) for other AGR officers or NGB/CF (for Statutory tour aviators).

**ACP Disapproval Authority** – The final disapproval authority for the ANG is the Adjutant General or NGB/CF (for Statutory tour aviators).

**ACP Coordinator** – The person who counsels ACP eligible aviators and initially recommends approval or disapproval of the aviators' ACP agreement.

**Aviation Service** – Aviation service applies to all ANG members required to maintain flying skills and perform essential in-flight duties. Policy distinguishes between rated officers, non-rated aircrew members (officer and enlisted), and operational support aviators. Differences regarding qualifications, termination and entitlements show varying degrees of aviation career involvement. Nonetheless, all members must be professionally and physically qualified and on aeronautical orders requiring frequent and regular flight. (See AFI 11-402)

**Aviation Service Date (ASD)** – An ASD is the date of entry into an aviation career. Only rated officers and undergraduate flying training students are assigned an ASD. Officers enrolled in UFT (UPT, UPT-H, SUNT, or NASA Mission Specialist Training) enter an aviation career on the class starting date in the program flying training (PFT) document. (See AFI 11-402)

**\*Effective Date** – The date an ACP agreement begins, that is, the date from which pay amounts are computed. The effective date and eligibility date are the same when an aviator accepts ACP on or before the eligibility date. When an aviator accepts ACP after the eligibility date, the ACP effective date is the date on which the aviator signs the agreement.

**\*Eligibility Date** – The date an aviator is first eligible for ACP. ANG pilots who met all other eligibility criteria will use 1 October 2000 as their eligibility date, providing their ACP agreements are signed not later than four weeks from date of this memorandum.

**Eligibility Roster** – Names, payment amounts, eligibility dates, and related information.

**Service Commitment for ACP** – The new service commitment an ANG aviator incurs upon entering into an ACP Agreement. This new service commitment requires AGR/Statutory tour aviators to remain full-time AGR/Statutory tour aviators for the number of years equal to the years of ACP payment, unless sooner relieved by ANG/DP.

## Attachment 2

### AVIATOR CONTINUATION PAY (ACP) AGREEMENT

1. Under 37 U.S.C., Section 301b, and in consideration of receiving Aviator Continuation Pay (ACP), I \_\_\_\_\_ agree to continue as an Active Guard/Reserve (AGR/Statutory tour) Pilot/Instructor Pilot through the end date of my ACP agreement service commitment I incur based on my elected option in paragraph 2, below.

2. I understand and agree that the effective date of this agreement is \_\_\_\_\_. I understand that if my current AGR/Statutory tour orders have a termination date earlier than the new service commitment established by this agreement, I shall take action, and cooperate with my MPF or ANG/OM, to have new/extended AGR/Statutory tour orders published to fulfill my ACP agreement service commitment. I also realize this agreement is binding from the date of my signature or publication date of my new/amended AGR/Statutory tour orders, whichever is later. I have indicated the option I am accepting by initialing the appropriate row in the following chart:

<i><b>Option</b></i>	<i><b>New AGR/Statutory tour Service Commitment</b></i>	<i><b>Initials</b></i>
Option A (5 Years/60 Months)	5 Years	_____
Option B (3 Years/36 Months)	3 Years	_____
Option C (Thru 20 yrs Avn Svc)	Thru 20 yrs Avn Svc	_____
Option D (Thru 25 yrs Avn Svc)	Thru 25 yrs Avn Svc (min 12 mos)	_____

**Notes:** New AGR/Statutory tour service commitment will be based on the effective date of the agreement (date on which the aviator signs the agreement).

3. Payments are based on the effective date of this agreement and the option I selected above. I understand that payments will be made in equal annual installments or prorated as follows:

5-Year Service Agreement	\$25,000/Yr	Initials _____
3-year Service Agreement	\$15,000/Yr	Initials _____
Thru 20 yrs Avn Svc	\$25,000/Yr (prorated)	Initials _____
Thru 25 yrs Avn Svc	\$25,000/Yr (prorated)	Initials _____
Thru 25 yrs Avn Svc (Greater than 3 but less than 5 year Service Agreement)	\$25,000/Yr (prorated)	Initials _____
Thru 25 yrs Avn Svc (At least 1 but less than 3 year Service Agreement)	\$15,000/Yr (prorated)	Initials _____

4. I realize my ACP entitlement will stop immediately in the event I:

- Attain the grade of brigadier general.
- Become permanently disqualified for aviation service due to medical or other reasons
- Am no longer entitled to Aviation Career Incentive Pay (ACIP)/Flight Pay
- Am dismissed or discharged for cause
- Retire or separate for any reason authorized under any provision of law or ANG policy

5. I understand that in the event of any of the following actions, my ACP entitlement will stop and the unearned portion of ACP paid me is considered a debt to the United States Government and will be recouped on a pro rata basis. Recoupment will be determined by ANG/DP when approving waivers. Furthermore, by law the debt may not be discharged in bankruptcy, except as provided by Title 37 U.S.C., Section 301 b(g)(3); the unearned ACP may be recouped as a result of:

- a. Permanent disqualification from aviation service due to misconduct or willful neglect
- b. Dismissal
- c. Discharge for cause
- d. Voluntary retirement or separation prior to completion of the ACP service commitment

6. Should my ACP entitlement stop for any reasons other than those set forth in paragraph 5, above, previous payments may be recouped.

7. Should I apply to retire or separate prior to completion of my ACP agreement commitment, approval or disapproval will be made by ANG/DP based on Air National Guard needs and will not be influenced by my offer to repay ACP.

8. I understand that this agreement does not guarantee that I will be allowed to continue serving until I complete the AGR/Statutory tour service commitment established under this agreement.

_____ (Date)	_____ (Aviator Signature)
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DSN: \_\_\_\_\_

Wing/CC  
Approved / Disapproved

_____ (Date)	
_____ (Typed Name and Grade of Approving Officer)	_____ (Signature)

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***I elect to decline ACP at his time.***

_____ (Date)	_____ (Signature)
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Member was counseled from the ACP instructional package provided.

_____ (Date)	_____ (Signature ACP Coordinator)
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## **AVIATOR CONTINUATION PAY (ACP) AGREEMENT (Cont.)**

### **PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 37 U.S.C., Section 301b

**PURPOSE:** To provide information necessary for the approval authority to determine if applicant meets all requirements for the award of Aviator Bonuses.

**ROUTINE USES:** For processing activities and approval authority to determine if applicant meets all eligibility requirements for the program. Use of SSN is necessary to make positive identification of the individual and records.

**DISCLOSURE IS VOLUNTARY:** If the applicant does not provide the information, however, no further action can be taken on the request and all further processing terminates.

### Attachment 3

#### FORMAT FOR ELIGIBILITY ROSTER AND QUARTERLY REPORT FROM THE ACP COORDINATOR:

The following information is required on the eligibility roster and provided on a quarterly basis from each ACP coordinator submitted through the State Headquarters (as appropriate) to ANG/DPFM.

1. ACP Coordinator Name, unit, DSN and e-mail
2. Name of each AGR/Statutory tour Aviator, SSAN, Aviation Service Date, Eligibility Date (can be a future date or blank if currently not eligible), Application Date (or blank if did not apply), ACP Agreement Length (years), ACP Agreement Payment Rate, Approved/Disapproved, Approval/Disapproval Date, AGR/Statutory tour Order End Date
3. Identify any aviator that has had ACP terminated, suspended or recouped with the reason for the action, amount paid to date and amount being recouped (if any).
4. Specifically identify any additions or deletions to the roster/report. Include the reason for any additions or deletions. This roster becomes the historical document for this program and all names must remain consistent from report to report.